

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

HELEN PSALTO,)	
)	
Claimant,)	IC 99-028241
)	
v.)	
)	ORDER
STATE OF IDAHO, INDUSTRIAL)	
SPECIAL INDEMNITY FUND,)	Filed
)	May 9, 2006
Defendant.)	
_____)	

Pursuant to Idaho Code § 72-717, Referee Alan Taylor submitted the record in the above-entitled matter, together with his proposed findings of fact and conclusions of law to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendations of the Referee. The Commission concurs with these recommendations. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED That:

1. Claimant has failed to prove entitlement to permanent total disability in excess of permanent impairment;
2. ISIF is not liable under Idaho Code § 72-332; and,
3. The issue of apportionment pursuant to Carey v. Clearwater County Road Department, 107 Idaho 109, 686 P.2d 54 (1984), is moot.

Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all issues adjudicated.

DATED this 9th day of May, 2006.

INDUSTRIAL COMMISSION

/s/
Thomas E. Limbaugh, Chairman

/s/
James F. Kile, Commissioner

/s/
R. D. Maynard, Commissioner

ATTEST:

/s/
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of May, 2006, a true and correct copy of the foregoing **Order** was served by regular United States Mail upon each of the following persons:

BRAD D PARKINSON
PO BOX 1645
IDAHO FALLS ID 83403-1645

PAUL B RIPPEL
PO BOX 51219
IDAHO FALLS ID 83405-1219

kr

/s/